

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Construction Industry Retirement)
Fund of Rockford IL et al)
Plaintiffs,)
)
v.)
)
Einfeldt Construction Inc. et al,)
Defendants.)

Case No: 3:15 cv 50247

Magistrate Judge: Iain D. Johnston

REPORT AND RECOMMENDATION

Motion and status hearing held on 3/22/2016. The defendant did not appear. On the plaintiffs' motion for a default judgment [23], the Clerk previously entered an order of default, Dkt. 17, and the plaintiffs have submitted affidavits establishing their damages. According to the affidavits, under the terms of the parties' collective bargaining agreements the defendant failed to make contributions totaling \$11,238.83, owes liquidated damages on those unpaid contributions in the amount of 10% or \$1,123.88, owes liquidated damages in the amount of 10% of the 33 contributions that it made late, which less credits totals \$5,832.84, and owes audit fees totaling \$850.00. In addition, under the terms of the parties' collective bargaining agreements the plaintiffs are also entitled to recover attorney's fees and costs spent to recover amounts owed. According to counsel's affidavit, counsel spent 16 hours at hourly rates ranging from \$150 for associates to \$200 for partners, for a total of \$2,990.00 incurred in fees, plus \$784.85 incurred in costs. The Court has reviewed the billing records and finds that the time spent, the hourly rates, and the costs were all reasonably incurred. Accordingly, it is this Court's Report and Recommendation that the plaintiffs' motion for a default judgment [26] be granted and that judgment be entered in the total amount of \$22,820.40. Any objection to this Report and Recommendation is due by 4/8/2016. Failure to object may constitute a waiver of objections on appeal. *See Provident Bank v. Manor Steel Corp.*, 882 F.2d 258, 260 (7th Cir. 1989). Status hearing is set for 4/21/2016 at 9:00AM.

(:03)

Date: March 22, 2016

/s/ Iain D. Johnston
U.S. Magistrate Judge